

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MICHELLE HENRICKSON, as Administrator  
of the Estate of Robert A. Henrickson,  
Deceased,

Plaintiff

-against-

UNITED STATES OF AMERICA

Defendant  
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**ORDER**

CV-08-4496

Presently before the Court is a Report and Recommendation of Magistrate Judge E. Thomas Boyle, dated December 6, 2010, recommending that this action be dismissed pursuant to Federal Rules of Civil Procedure 41(b). A copy of the Report and Recommendation was served upon on the Plaintiff on December 6, 2010. No objections have been filed.

Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72, this Court has reviewed the Report and Recommendation for clear error, and finding none, now concurs in both its reasoning and its result.

The records evidences that Plaintiff was advised that she could not proceed pro se and was obligated to retain counsel to prosecute this action. Moreover, she was given ample opportunity to do so, including a number of adjournments. Plaintiff has failed to retain counsel and in fact failed to appear for the conference scheduled for December 2, 2010 or otherwise communicate with the Court. Hence, dismissal is appropriate.

Accordingly, this Court adopts the December 6, 2010 Report and Recommendation of Judge Boyle as if set forth herein. This action is dismissed with prejudice. The Clerk of Court is

directed to serve a copy of this Order on the Plaintiff and to close this case.

**SO ORDERED.**

Dated: Central Islip, N.Y.  
December 28, 2010

/s/  
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Denis R. Hurley,  
United States District Judge